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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,394	06/24/2003	Zia Rehman	10019249 -1	3066

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EXAMINER

KLEMANSKI, HELENE G

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,394

Applicant(s)

REHMAN, ZIA

Examiner

Helene Klemanski

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 6, line 28, the phrase "Direct Black 168" should be deleted since it is a duplicate.

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: no literal antecedent basis is seen for the phrases:

- (1) "Direct Black IJ Dye" in claims 6 and 19 (see page 6, lines 25-30);
- (2) "wherein the ink-jet ink includes an acid to lower the pH from 8 to 6" in claim 10 and
- (3) "wherein the ink-jet ink includes a base to raise the pH from 6 to 8" in claim 11.

The examiner suggests the incorporation of this phrase into the specification or the claims amended accordingly.

Claim Objections

3. Claims 10 and 19 are objected to because of the following informalities: in claim 10, line 2, the term "to6" should be replaced with the phrase "to 6" and in claim 19, line 4, the phrase "Direct Black 168" should be deleted since it is a duplicate. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6 and 19, the phrases "pacified Reactive Black 31", "Direct Black 170" and "Solvent Black 13" are considered vague and indefinite since it is unclear as to what the specific formulas are for these dyes. The examiner performed a Registry File search in the STN database and could not obtain the formulas for these dyes. The examiner is requesting that applicants provide the formulas for these dyes to overcome this rejection. This can be in the form of articles, MSDS sheets from manufacturers, Internet searches, Chemical Abstracts entries, U.S. Patents, foreign patents etc. as long as they contain information (in English) pertaining to the structures of the dyes. Applicants should note that the examiner also performed a Registry File search in the STN database for the dyes Direct Black 168, Acid Black 52, Direct Black 22, Direct Black 19, Reactive Black 8 and Food Black 2 and was able to obtain their formulas.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0659852 in view of EP 0509688.

EP 0659852 teaches an aqueous ink jet ink composition comprising 0.1-20% by weight of any water-soluble black dye, water, 1-40% by weight of a water-soluble organic solvent, 0.1-20% by weight of a basic amino acid such as lysine, arginine, histidine or ornithine and optionally a surfactant or a pH regulator. The addition of the amino acid reduces the bronzing effect that is noticeable in black ink jet ink compositions. The aqueous ink has a pH of from 7-10. EP 0659852 further teaches a method of ink-jet printing comprising ejecting droplets of the above aqueous ink and adhering the droplets onto a receiving material such as plain paper. See page 2, lines 46-55, page 4, lines 1-45, Tables 1 and 2 and claims 1-7, 9 and 10. EP 0659852 fails to specifically exemplify the addition of an amphoteric surfactant to the aqueous ink jet ink composition.

EP 0509688 teaches a process for reducing color bleed in ink jet ink compositions comprising a vehicle such as a mixture of water and a water-soluble organic solvent and a water-soluble dye by adding amphoteric surfactants such as N,N-dimethyl-N-dodecyl amine oxide, N-dodecyl-N,N-dimethyl glycine, polyglycol ether derivatives, lecithins and sulfobetaines. See page 2, lines 54-58, page 3, lines 40-58, page 4, lines 13-51 and claims 1-4 and 10.

Therefore, it would have been obvious to one having ordinary skill in the art to have added the amphoteric surfactant of EP 0509688 to the aqueous ink jet ink composition of EP 0659852 as the surfactant component since EP 065852 discloses that a surfactant can be added to the aqueous ink jet ink composition and EP 0509688 shows that the addition of an amphoteric surfactant would decrease color bleed.

Conclusion


The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK
January 24, 2005